

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

SHARON COX,)	CASE NO. 1:09 CV 2708
)	JUDGE JOHN R. ADAMS
Petitioner,)	
)	
v.)	
)	
BOB REID,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Respondent.)	

On November 18, 2009, petitioner *pro se* Sharon Cox, an inmate at the Ohio Reformatory for Women,¹ filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. The petition indicates Ms. Cox was convicted of theft, money laundering, receiving stolen property, and falsification. For the reasons stated below, the petition is denied and this action is dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, a petitioner must have exhausted all available state remedies before filing such an action in federal court. 28 U.S.C. § 2254(b).

Ms. Cox raises four grounds in support of the petition. Without regard to the potential merits of these grounds, it is evident on the face of the petition that they have yet to be raised and exhausted in the Ohio courts. Cox's sentencing did not occur until November 16, 2009. This petition was filed on November 18, 2009. As such, it is clear on the face of the petition that it is premature and that no attempt to exhaust state remedies has occurred.

¹ See <http://www.drc.ohio.gov/OffenderSearch/Search.aspx>

Accordingly, this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

Date: January 29, 2010

/s/ John R. Adams _____
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE